

on, which are an integral part of the treatment process of the city or the authority, or which are used for ultimate disposal of residues, effluent or discharges, resulting from such treatment, or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of wastes or wastewater, including storm water runoff, industrial wastes, domestic wastes or any combination thereof.

- (21) *Unpolluted water*: Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the city or authority for disposal to storm or natural drainages, or directly to surface waters.
- (22) *User*: Any person who discharges, causes or permits the discharge of wastewater into the sewerage facilities.
- (23) *User classification*: A classification of users based upon classifications set forth in the Standard Industrial Classification (SIC) Manual, 1972 Edition, prepared and published by the Executive Office of Management and Budget of the United States.
- (24) *Waste*: Sewage and any and all waste substances, whether liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (25) *Wastewater*: Waste and water, whether treated or untreated, discharged into or permitted to enter into the sewerage facilities.
- (26) *Wastewater constituents and characteristics*: The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity or strength of wastewater.
- (27) *Waters of the city or state*: Any water, whether surface or underground, and whether saline or nonsaline, within the boundaries of the city, or within the boundaries of the city and flowing into, touching or otherwise combined with waters outside the city but within the boundaries of the state. (Code

1961, § 22A.2; Ord. No. 566, § 1, 11-10-75; Ord. No. 715, § 1, 1-10-84)

Secs. 21-107—21-112. Reserved.

DIVISION 2. REPORTS, PERMITS AND ADMINISTRATION

Sec. 21-113. Discharge reports.

Upon a determination by the director that such information is necessary or appropriate for him reasonably to carry out the provisions of this article, he may require that any person discharging, causing to be discharged, permitting to be discharged, or proposing to discharge wastewater into the sewerage facilities shall file a periodic discharge report, the cost of which shall be borne by such person. Such report may include, but shall not necessarily be limited to, information relating to the nature of manufacturing, fabricating, or other processes, fresh or non-wastewater volumes, wastewater volumes, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information relating to the generation of waste, including wastewater constituents and characteristics of the pertinent wastewater discharge. The director may also require that such reports include the chemical constituents and quantity of liquid or gaseous materials stored on the premises relating to such discharge, even though such materials are not normally discharged into, or become a part of the wastewater in, the sewerage

facilities. Such reports shall be in addition to self monitoring reports, information furnished in connection with wastewater discharge permits, or other permits authorized under this article. The reports authorized and required under this section shall be filed with the director periodically and/or at such other times as the director may reasonably require. (Code 1961, § 22A.18; Ord. No. 566, § 1, 11-10-75)

Sec. 21-114. Mandatory wastewater discharge permits.

No major contributing industry or other user discharging, or proposing to discharge, wastewater having characteristics or quantities equivalent to that of a major contributing industry, shall, and it shall be unlawful for any such industry or user to, connect to, or discharge into, the sewerage facilities without first obtaining a wastewater discharge permit therefor. (Code 1961, § 22A.19; Ord. No. 566, § 1, 11-10-75)

Sec. 21-115. Optional wastewater discharge permits.

A wastewater discharge permit may be issued by the director to any user, upon application therefor, who:

- (1) Requests that charges and fees established pursuant to this article be based upon an estimated volume of wastewater discharged, or to be discharged, into the sewerage system; or
- (2) Establishes to the satisfaction of the director that wastewater proposed to be discharged from such user's premises into the sewerage system has, or will have, wastewater strength characteristics less than the normal range for the user classification to which such user is assigned, by reason of pretreatment, process changes, or other reasons related to such wastewater characteristics. (Code 1961, § 22A.20; Ord. No. 566, § 1, 11-10-75)

Sec. 21-116. Permit applications.

Applications for permits required or authorized pursuant to the provisions of this division shall be in writing in such form as the director shall require, and shall set forth the following:

- (1) The name, address and standard industrial classification number of the applicant;
- (2) The volume of wastewater proposed to be discharged;
- (3) Wastewater constituents and characteristics, including, but not limited to, those categories thereof described in the definitions of "wastewater" and "wastewater constituents and characteristics" in this article, the presence and amount of which shall be determined by a laboratory competent to test and describe such constituents and characteristics, and approved by the director;
- (4) The time and duration of the proposed wastewater discharge;
- (5) The average and thirty (30) minute peak wastewater flow rates proposed to be discharged, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, in detail necessary or appropriate to show and to describe all sewers and appurtenances by size, location and elevation;
- (7) A description of the activities, facilities and plant processes conducted, or proposed to be conducted on the premises, including, but not necessarily limited to, all materials manufactured, fabricated, or processed and the types of materials which are or could be discharged into the sewerage facilities;
- (8) The type and amount of each product produced, fabricated, or manufactured on the premises, and the rate of production;
- (9) The number and classifications or other work categories, of employees, and the hours of work or operation on the premises;
- (10) Such other information deemed necessary by the director to determine the effect upon the sewerage facilities of the proposed discharge, or to determine the necessity for, or type of, pretreatment, or permit conditions, or other measures necessary or appropriate to enable the director to carry out the provisions of

this article, or any other requirement of law. (Code 1961, § 22A.21; Ord. No. 566, § 1, 11-10-75)

Sec. 21-117. Permit issuance.

Upon evaluation and approval of all pertinent data and information, the director shall issue a wastewater discharge permit, subject to terms and conditions required or authorized under the provisions of this article, and deemed necessary or appropriate by the director to carry out the purpose and intent of this article. (Code 1961, § 22A.21; Ord. No. 566, § 1, 11-10-75)

Sec. 21-118. Permit conditions.

(a) Wastewater discharge permits authorized under this division shall be subject to all the provisions and requirements of this article, and to all other requirements of law.

(b) Permits authorized under this division may include any or all of the following:

- (1) The unit charge or schedule of charges and fees for the service and use of the sewerage facilities to be paid by the permittee, and the terms and conditions of such payment;
- (2) The allowable average and maximum wastewater constituents and characteristics thereof permitted to be discharged into the sewerage facilities;
- (3) Limitations upon time and rate of wastewater discharge, or requirements for regulations and equalization thereof;
- (4) Requirements for the installation of inspection, sampling or testing facilities;
- (5) Pretreatment requirements;
- (6) Specifications for monitoring programs which may include, but shall not necessarily be limited to, sampling locations, frequency and method of sampling, number, types and standards for tests, and reporting schedule;
- (7) Requirements for maintaining plant records relating to the wastewater discharge as specified by the director, and providing for access of the director thereto;

(8) The mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed to be discharged into, or are present in, the user's wastewater discharge; and

(9) Such other conditions, requirements or provisions deemed appropriate by the director to insure compliance with the provisions of this article or other requirements of law. (Code 1961, § 22A.22; Ord. No. 566, § 1, 11-10-75)

Sec. 21-119. Duration of permits.

(a) Wastewater discharge permits authorized under this division shall be effective for the period described therein, but in any event, for no longer than five (5) years. Such period described in such permits may be for a term less than a year, may be expressed in years, or may be stated to expire on a specific date.

(b) Upon expiration of the specified term in each wastewater discharge permit, the term thereof shall be deemed renewed automatically for successive one year periods, the first of which shall commence upon the day next following the last day of the term specified in such permit; provided, however, that in the event the director gives written notice to the permittee of the termination or expiration of such permit not less than thirty (30) days prior to the expiration of the initial term thereof, or prior to the expiration of any successive one year term thereof, then a new permit shall be required subject to the provisions of this article.

(c) Every permit shall be subject to modification, amendment, or other change by the director during the term thereof, as determined necessary by the director in order to obtain compliance by the user with the requirements of this article, or other requirements of law. To the extent practicable, the director shall give written notice to a permittee of any proposed modifications, changes or amendments to the user's permit not less than thirty (30) days prior to the effective date of such change, modification or amendment. To the extent reasonably necessary or appropriate, the director may specify a reasonable time schedule for compliance

with any new conditions, provisions, or requirements established by modification, change, or other amendment to a permit. (Code 1961, § 22A.23; Ord. No. 566, § 1, 11-10-75)

Sec. 21-120. Non-assignability of permit.

(a) Wastewater discharge permits shall be personal to each permittee, and shall relate only to the use or operation described therein.

(b) No person shall, and it shall be unlawful to, assign, reassign, transfer, sell, lease, sublet, or otherwise transfer a wastewater discharge permit, or any interest therein, to any person other than the permittee, or to use, cause to be used, or permit to be used, such permit in connection with a different premises, or a different operation than that specified in such permit, or with a new, expanded or modified operation. (Code 1961, § 22A.24; Ord. No. 566, § 1, 11-10-75)

Sec. 21-121. Monitoring facilities.

(a) The director may require a user to construct, operate and maintain, at the user's own expense, monitoring, sampling, or metering facilities or other equipment to allow inspection, sampling, and flow measurement of the user's building sewer, or internal drainage systems, or waste or wastewater discharges. Such monitoring, sampling, or metering facilities or equipment shall be located on the user's premises; provided, however, that the director may allow such equipment or facility to be constructed upon public property adjacent to the user's premises upon a determination by the director that location of such equipment or facilities upon the user's premises would be impracticable or cause unnecessary or undue hardship. In the event that the director makes the foregoing determination, and the public property upon which such facilities or equipment is proposed to be constructed or installed is outside the city, the user shall obtain permission for such installation or construction, and for the maintenance and operation of such facilities or equipment, from the governmental agency having jurisdiction over such public property.

(b) Monitoring, sampling or metering facilities or equipment to be provided, installed, maintained and operated pursuant to the provisions of this section shall be so situated and constructed and installed as to permit safe and immediate access thereto by the director; provided, however, that the director may, at the option of the user, secure such equipment or facilities with a lock furnished by the director, at the expense of the user. The user shall provide sufficient space, as determined by the director, at or near such equipment or facilities so as to allow ready and accurate monitoring, sampling and compositing of samples for analysis. Such equipment and facilities, and the sampling and measuring equipment are to be maintained and operated at all times in a safe and proper condition, by and at the expense of the user.

(c) Monitoring, sampling or metering equipment or facilities to be furnished pursuant to the provisions of this section shall be provided in accordance with all reasonable requirements of the director relating thereto, and all applicable construction standards and specifications of the city, or the governmental jurisdiction wherein such equipment for facilities is located. Installation and construction of such facilities or equipment shall be completed within ninety (90) days following written notification requiring such installation or construction from the director; provided, however, that the director may, at his discretion, extend the time of performance of such installation or construction. (Code 1961, § 22A.25; Ord. No. 566, § 1, 11-10-75)

Sec. 21-122. Inspection and sampling.

The director is hereby authorized to inspect the premises of any user at all reasonable times to ascertain whether the provisions of this article, or the provisions of any permit issued pursuant to this article are being complied with. Owners or occupants of the premises where wastewater is created, held or discharged shall allow the director ready access at all such reasonable times to all parts of the premises for the purposes of inspection, sampling, monitoring, or performing any or all of the duties reasonably necessary or appropriate in carrying out or enforcing the provisions of this article, or any

permit issued pursuant to this article. The director shall further have the right to install and use on the user's premises such devices as are reasonably necessary or appropriate to conduct sampling, metering, or monitoring operations or other of the aforesaid duties. In the event a user has established security measures requiring identification and clearance prior to entry onto such user's premises, the user shall furnish and provide such identification or clearance to the director so as to permit ready access of the director to the premises for the purposes described in this section. (Code 1961, § 1, 11-10-75; Ord. No. 566, § 1, 11-10-75)

Sec. 21-123. Pretreatment of wastes.

(a) Pretreatment of wastes or wastewater shall be furnished by every user on the user's premises when such waste or wastewater, prior to pretreatment, does not comply with the minimum acceptable requirements and criteria therefor for discharge into the sewerage facilities as set forth in division 4 of this article. Such pretreatment facilities shall be provided and maintained at the user's expense, and shall be of sufficient design and capacity to pretreat waste or wastewater discharged from the premises into the sewerage facilities to a level meeting such minimum requirements, and such other requirements established by the director and reasonably necessary or appropriate for the sewerage facilities to treat adequately such waste or wastewater under normal operating and treatment conditions.

(b) Prior to the installation of such pretreatment facilities, plans and specifications therefor shall be submitted to the director, together with such data and descriptive material relating to the waste or wastewater prior to, and after such proposed pretreatment as the director may require, in order that the director may ascertain the wastewater constituents and characteristics and volume of the wastewater discharge after pretreatment. The user shall make such modifications, changes or amendments to said plans and specifications as the director may reasonably require in order that the provisions of this article, or any permit issued, or to be issued pursuant to this article, shall be complied with. Upon approval of such plans and specifications by the

director, the user may proceed with the construction thereof; provided, however, that such approval shall not be deemed to waive or modify any other requirement of this article, or of any permit issued pursuant to this article, or of any other requirements of law.

(c) Approval of plans and specifications of pretreatment facilities pursuant to this section shall not relieve the user from the responsibility of modifying such pretreatment facilities as necessary to produce effluent therefrom complying with all pertinent provisions of this article, or any permit issued pursuant to this article, or any other requirements of law. Any proposed cessation of use, or alteration, modification, or other change to approved pretreatment facilities or any portion thereof, or any changes in method of operation thereof, shall be reported to the director prior to commencement thereof, and shall be subject to the approval of the director. Such approval may be withheld, granted, or granted subject to such terms, conditions, or requirements as the director may reasonably require in order to insure compliance with the provisions of this article, or any permit issued pursuant to the provisions of this article. (Code 1961, § 22A.27; Ord. No. 566, § 1, 11-10-75)

Sec. 21-124. Protection against accidental discharges.

(a) Every user shall provide protective measures against accidental or unauthorized discharges of prohibited wastes, wastewater constituents or characteristics, or volumes into the sewerage facilities as set forth in division 4 of this article, or as may be otherwise set forth in any permit issued pursuant to this article. Such measures shall consist of operational or other procedures and/or facilities as determined reasonably necessary or appropriate by the director. All costs of such measures shall be borne by the user.

(b) The director may specify standard procedures and/or facilities for each classification of user, and to the extent so specified, he is hereby authorized and directed to require the institution and use of such procedures, and the installation and construction of such facilities for each such classifica-

tion. Alternatively, the director may require any user to propose such procedures and/or facilities, which proposals shall be submitted to the director for review, with such supporting plans, specifications, data, explanations, or other matters as may reasonably be required by the director in order to ascertain the effectiveness of the procedures and/or facilities proposed. The director may require such revisions, amendments, modifications, or other changes to such proposals, or approve or reject the same, as the director deems reasonably necessary or appropriate in order that such proposals insure protection against accidental or unauthorized discharge. (Code 1961, § 22A.28; Ord. No. 566, § 1, 11-10-75)

Sec. 21-125. Public information.

(a) All information and data furnished by, or regarding the operations of, a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections, or from other sources provided or required under the provisions of this article shall be available to the public or other governmental agencies without restriction unless the user requests in writing that such information be maintained confidential, and establishes to the satisfaction of the director that the disclosure of the information to other persons would result in unfair competitive disadvantage to the user; provided, however, that in no event shall wastewater constituents, characteristics, or volumes be deemed confidential information.

(b) Notwithstanding the foregoing, information approved by the director as confidential shall be available for use by the city, the authority, the state, the federal government, or any agency of said entities, in connection with enforcement proceedings, or any judicial proceedings to which the user is a party. Subject to the foregoing, information accepted by the director as confidential shall not be transmitted to any governmental agency, or to the general public by the director until and unless prior written notification is given to the user. (Code 1961, § 22A.29; Ord. No. 566, § 1, 11-10-75)

Sec. 21-126. Special agreements.

The provisions of this article shall not be deemed a limitation upon the city or authority

to enter into agreements, and to recover costs relating thereto, with any user relating to treatment, pretreatment, or other matters in furtherance of the provisions of this article and the purposes thereof, and not inconsistent therewith, when unique, unusual, or extraordinary circumstances require such special agreements; provided, however, that no such agreement shall authorize an extension of the final dates for compliance with required federal standards nor waive such standards. (Code 1961, § 22A.30; Ord. No. 566, § 1, 11-10-75; Ord. No. 715, § 5, 1-10-84)

Secs. 21-127—21-132. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 21-133. Responsibility.

The primary responsibility for enforcement of the provisions of this article shall be vested in the director; provided, however, that the director shall be, and is hereby, authorized and empowered to delegate his authority hereunder to such officers, employees, or agents of the city or the authority as he shall designate; and, provided further, that field inspectors or other employees of the authority, upon written certification thereof from the authority to the director, are hereby authorized to act as enforcement agents of the city for and on behalf of the director with power to inspect and issue notices for violations of the provisions of this article. Notwithstanding the foregoing, all actual prosecutions for violations of any of the provisions of this article (including, without limitation, levying of fines, determination of service, revocation of permits, and civil and criminal court actions) shall be the exclusive responsibility of the city. (Code 1961, § 22A.34; Ord. No. 566, § 1, 11-10-75)

Sec. 21-134. Unauthorized discharges.

(a) *Notification.* Every user shall notify the director immediately upon discharging wastes or wastewater in violation of the provisions of this article, or any permit issued pursuant to this article. A user who discharges, causes to be discharged, or permits to be discharged such wastes or wastewater shall, within fifteen (15) days of the occurrence thereof, submit a written report to the director